



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Washington, D.C. 20460

OFFICE OF  
GENERAL COUNSEL

Mr. Carl Malamud  
President  
Public.Resource.Org  
1005 Gravenstein Highway North  
Sebastopol, CA 95472

Re: Freedom of Information Act Request # EPA-HQ-2015-009263

Dear Mr. Malamud:

This letter concerns the above-referenced Freedom of Information Act (FOIA) request received by the U.S. Environmental Protection Agency (EPA) on July 22, 2015. You seek certain records related to a former employee, Dr. Mary McKiel, whom you indicate served as the Agency's Standards Executive from 1993 through 2013 and also served on the Board of Directors of the American National Standards Institute (ANSI) and the ASTM International. You referenced an Office of Government Ethics Advisory, LA-13-05 (April 9, 2013), that addressed a conflict of interest exemption for official participation in nonprofit organizations. In particular, you seek EPA records related to:

- (1) "any ... memoranda or supporting documents leading to the issuance of ...[a memorandum of understanding between the agency, the employee and the nonprofit organization]" if she served in her official EPA capacity;
- (2) "amounts and nature of ... reimbursements [of travel expenses] from ANSI and ASTM International; and
- (3) "any memoranda, email, or other records that discuss [limitations or prohibitions] for Dr. McKiel"

The Office of General Counsel has concluded its search for records responsive to your request and is providing them with this letter. Dr. McKiel served as an officer of the national standard setting organization in her official EPA capacity consistent with OMB Circular No. 119-A and 18 U.S.C. § 208. She was not permitted to participate in the internal management of the organization.

There is no cost to process your request.

This letter concludes our response to your request. You may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, e-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the U.S Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20001. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 day calendar limit. The appeal letter should include the tracking number(s) listed above. For quickest possible handling, the appeal letter should be marked "Freedom of Information Act Appeal."

If you have any questions concerning this response, please contact me at (202) 564-1786.

Sincerely,



Justina Fugh  
Senior Counsel for Ethics

enclosures